

Remarks

Applicant has reviewed this Application in light of the Office Action sent electronically 4 December 2007. Applicant has amended Claims 1-21 and added new Claims 22-27. Applicant respectfully requests reconsideration and allowance of all pending claims.

The IDS Filed 14 September 2007 Included Form PTO-1449

The Examiner states, "The information disclosure statement, which filed on 14 September 2007, does not include Form PTO-1449 as indicated in the letter." Applicant respectfully disagrees. The Image File Wrapper for this Application in Public PAIR shows both the IDS letter and the attached Form PTO-1449 filed 14 September 2007. However, should the Examiner still be unable to access the Form PTO-1449 filed 14 September 2007, Applicants are willing to provide a copy of that Form PTO-1449 to expedite consideration of the references listed therein.

Independent Claims 1, 8, and 15 are Allowable Over Haynes

The Examiner rejects independent Claims 1, 8, and 15 under 35 U.S.C. § 102(b) as being anticipated by Rena Haynes et al., *A Visual Tool for Analyzing Cluster Performance Data*, PROCEEDINGS OF THE 2001 IEEE INTERNATIONAL CONFERENCE ON CLUSTER COMPUTING, 2001 ("*Haynes*").

Haynes merely discloses a GUI that provides a visualization of a group of network switches with processor ports, which connect the switches to separate compute nodes, and network ports, which connect the network switches to each other. (Figure 2; Sections 3 and 5).

In contrast, independent Claim 1 of this Application, as amended, recites:

A method comprising:
collecting dynamic status information on each of at least a subset of a plurality of nodes, each node comprising a switching fabric integrated to a card and at least two processors integrated to the card;
generating a plurality of graphical elements that convey at least some of the dynamic status information; and
communicating at least some of the graphical elements for presentation to a user.

Independent Claims 8 and 15 recite similar limitations.

Haynes fails to disclose, teach, or suggest each and every limitation of independent Claim 1. As an example, *Haynes* fails to disclose, teach, or suggest ***collecting dynamic status information on each of at least a subset of a plurality of nodes, each node comprising a switching fabric integrated to a card and at least two processors integrated to the card***, as independent Claim 1 recites. The GUI in *Haynes* merely provides a visualization of a group of network switches. Even assuming for the sake of argument the GUI in *Haynes* collected information on each of the network switches in *Haynes*, *Haynes* would still fail to disclose, teach, or suggest any of the network switches ***comprising a switching fabric integrated to a card and at least two processors integrated to the card***, as independent Claim 1 recites. Therefore, *Haynes* fails to disclose, teach, or suggest ***collecting dynamic status information on each of at least a subset of a plurality of nodes***, as independent Claim 1 recites. Moreover, because *Haynes* fails to disclose, teach, or suggest ***collecting dynamic status information***, as independent Claim 1 recites, *Haynes* also necessarily fails to disclose, teach, or suggest ***generating a plurality of graphical elements that convey at least some of the dynamic status information***, as independent Claim 1 further recites.

“To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001). “A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (quoting *Verdegaal*, 814 F.2d at 631). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (quoting *Richardson*, 868 F.2d at 1236). Furthermore, “[t]he elements must be arranged as required by the claim.” M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (citing *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). As shown above, *Haynes* fails to disclose, either expressly or inherently, each and every limitation of independent Claim 1. Therefore, *Haynes* does not anticipate independent Claim 1 under governing Federal Circuit case law and the M.P.E.P.

For at least these reasons independent Claims 1, 8, and 15 are allowable over *Haynes*. Applicant respectfully requests reconsideration and allowance of independent Claims 1, 8, and 15 and all their dependent claims.

Independent Claims 25-27 are Allowable Over *Haynes*

New independent Claim 25 recites:

A method comprising:
collecting dynamic status information on each of at least a subset of a plurality of nodes, each node comprising:
at least two first processors integrated to a first card and operable to communicate with each other via a direct link between them; and
a first switch integrated to the first card, the first processors communicably coupled to the first switch, the first switch operable to communicably couple the first processors to six or more second cards each comprising at least two second processors integrated to the second card and a second switch integrated to the second card operable to communicably couple the second processors to the first card and at least five third cards each comprising at least two third processors integrated to the third card and a third switch integrated to the third card;

the first processors being operable to communicate with particular second processors on a particular second card via the first switch and the second switch on the particular second card;

the first processors being operable to communicate with particular third processors on a particular third card via the first switch, a particular second switch on a particular second card between the first card and the particular third card, and the third switch on the particular third card without communicating via either second processor on the particular second card;

generating a plurality of graphical elements that convey at least some of the dynamic status information; and

communicating at least some of the graphical elements for presentation to a user.

Independent Claims 26-27 recite similar limitations.

Haynes fails to disclose, teach, or suggest each and every limitation of independent Claim 25. As an example, *Haynes* fails to disclose, teach, or suggest *collecting dynamic status information on each of at least a subset of a plurality of nodes, each node comprising at least two first processors integrated to a first card and operable to communicate with each other via a direct link between them and a first switch integrated to the first card, the first processors communicably coupled to the first switch*, as independent Claim 25 recites. As another example, *Haynes* fails to disclose, teach, or suggest *the first processors communicably coupled to the first switch, the first switch operable to communicably couple the first processors to six or more second cards each comprising at least two second processors integrated to the second card and a second switch integrated to the second card operable to communicably couple the second processors to the first card and at least five third cards each comprising at least two third processors integrated to the third card and a third switch integrated to the third card*, as independent Claim 25 further recites. As yet another example, *Haynes* fails to disclose, teach, or suggest *the first processors being operable to communicate with particular second processors on a particular second card via the first switch and the second switch on the particular second card and the first processors being operable to communicate with particular third processors*

on a particular third card via the first switch, a particular second switch on a particular second card between the first card and the particular third card, and the third switch on the particular third card without communicating via either second processor on the particular second card, as independent Claim 25 further recites.

For at least these reasons, Applicants respectfully request allowance of new independent Claims 25-27.

Conclusion

For at least the foregoing reasons, Applicant respectfully requests allowance of all pending claims.

If a telephone conference would advance prosecution of this Application, the Examiner may call Travis W. Thomas, Attorney for Applicant, at 650.739.7503.

Please charge \$930.00 for three new independent claims and six new claims total and \$460.00 for a two-month extension of time to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner may charge any fee due and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to be 'T. T.' with a horizontal line extending from the second 'T'.

Travis W. Thomas
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Date: 5 May 2008

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